PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA



- Structure, main functions and specialization incl. in international cooperation
- International cooperation in White-Collar Crime Cases

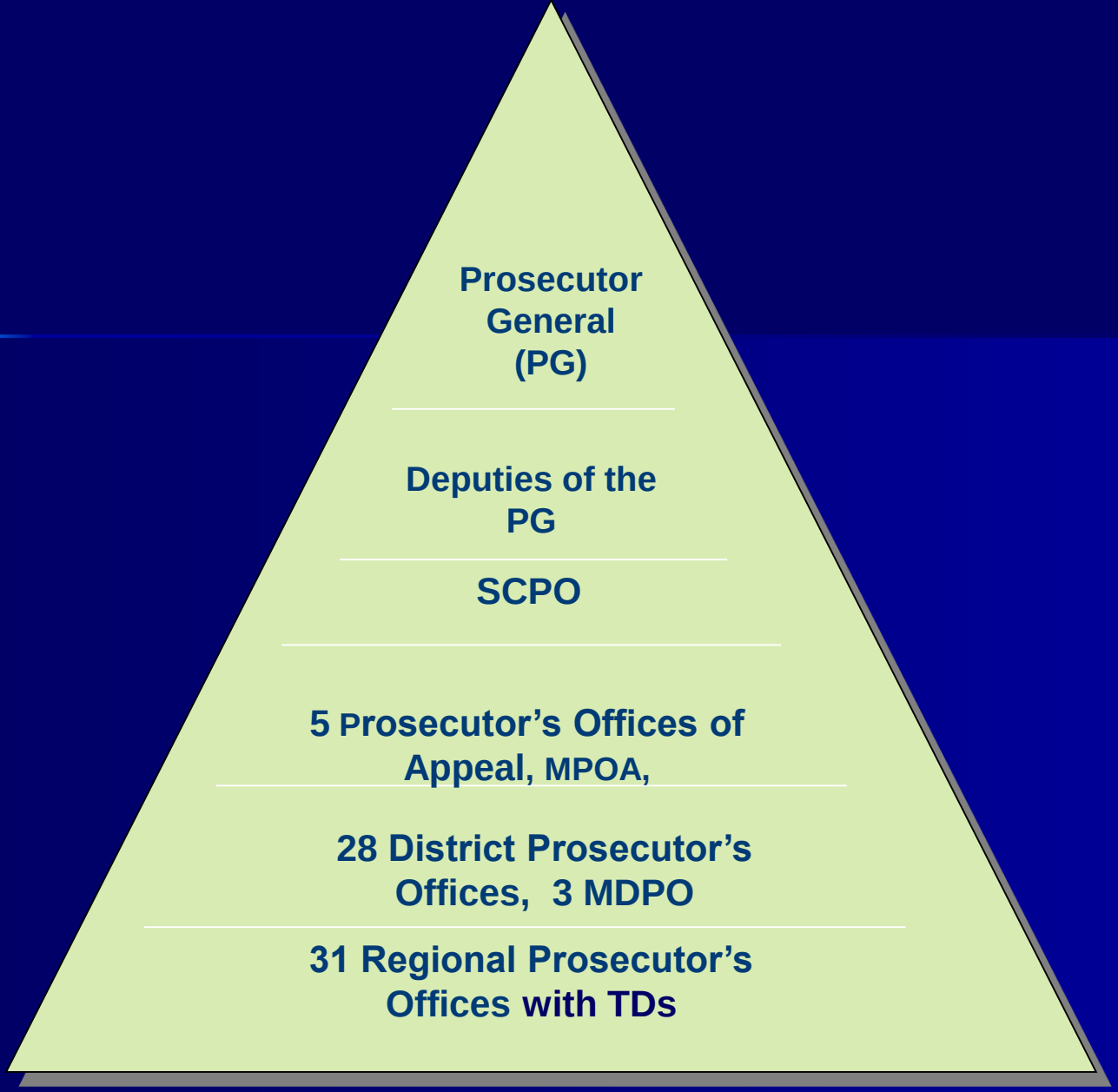
What kind of an organization is the Prosecutor's Office of the Republic of Bulgaria (PORB)?

- Part of the **judiciary**;
- Uniform structure, corresponding to the structure of **the criminal courts**. Centralization?
- Independent **legal person**
- **Separate system** of Judicial authorities

Structure of PORB

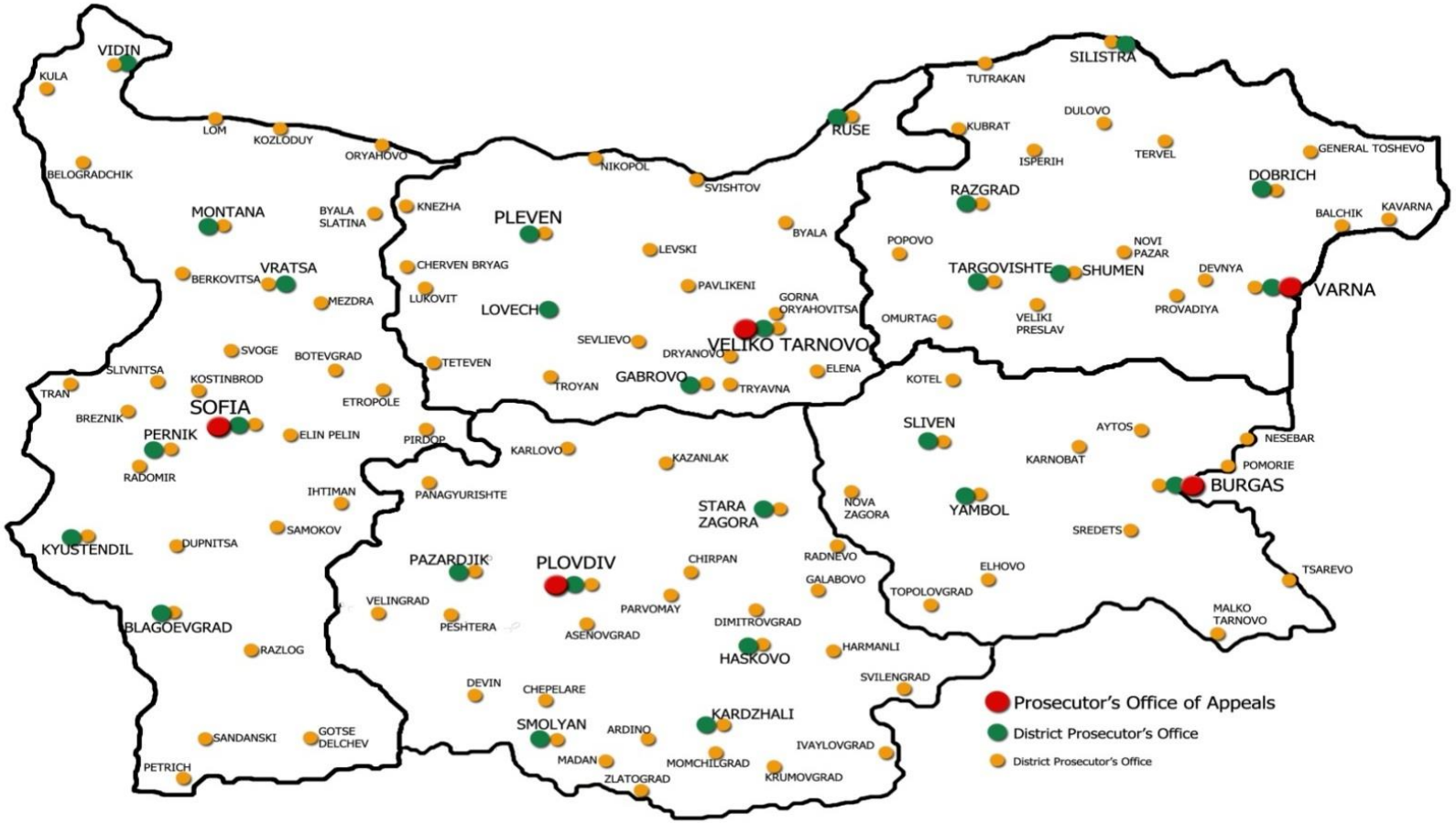
It comprises different bodies of the judicial power – prosecutor's offices subordinated to the Prosecutor General

- Supreme Prosecutor's Office of Cassation (SPOC) – after merging SPOC and SAPO in Dec. 2023;
- 5 Prosecutor's Offices of Appeal (AP); Military Prosecutor's Office of Appeal (MPOA);
- 28 District Prosecutor's Offices (DPO), incl. Sofia City PO and 3 Military District Prosecutor's Offices (MDPO);
- 31 Regional Prosecutor's Offices (RPO) with territorial departments (former 113 RPOs)



STRUCTURE OF THE PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA

PROSECUTOR'S OFFICES and TERRITORIAL DEPARTMENTS



Specialty in the structure of PORB

Integration of the investigation magistrates in the PORB after 2009, where:

- The National Investigation Service (NInvS) is part of the PORB and is headed by a director, who is also Deputy Prosecutor General
- There are territorial investigation departments at the 28 District Prosecutor's Offices (ID – DPO)

Functions of the PORB according to the Constitution of the Republic of Bulgaria amended Dec 2023

Main field – Criminal Law

- Party in criminal proceedings (indicts the perpetrators of criminal offences and prosecutes criminal cases.
- Master of the pre-trial phase incl. judicial cooperation in criminal matters;
- Supervision over the execution of penalties and the coercive measures

Other functions

- Defence of public interest and legality outside the criminal law field – only by addressing the court and limited participation in non-criminal cases

Prosecutor's offices with special competence affecting the international cooperation

- Sofia City Prosecutor's Office
  - Cases of crimes committed by persons with immunity, members of the Council of Ministers and magistrates, cases of EPPO;
- Sofia City and Sofia Regional Prosecutor's Offices
  - Crimes committed by foreigner abroad or in complicity with a foreigner
- SCPO – international cooperation and communication as Central Authority for the pre-trial phase

International cooperation

- **Focus on the pretrial phase**
- **Competence of SCPO/PG in relations with the countries outside EU**
  - **Exceptions**: UK – TACA; Norway and Iceland – extraditions; Switzerland – MLA – requests
  - **Application of international sources** – conventions, bilateral treaties, reciprocity

International cooperation

- **Competence of the first-instance POs in relations with the EU member states**
  - **Application of the EU Law** and the mutual recognition principle
  - Direct contact and **methodological guidance by the SCPO**
  - EIO and Convention 2000. Challenges
  - EAW and the amendments in the national law in Dec 2023

International cooperation in White-Collar Crime Cases

- **The concept of White-Collar Crime – crime of calculation.**
- **Legal basis, tools and principals of the cooperation in the EU**
  - EAW for criminal investigation and prosecution
  - Mandate for collection evidence and application of the law of the issuing country – EIO vs MLA-request
  - EIO and the role of the issuing authority – to determine source and the methods of collecting evidence, consultations
- **Application of the EU – tools in White-Collar Crime Cases and challenges**

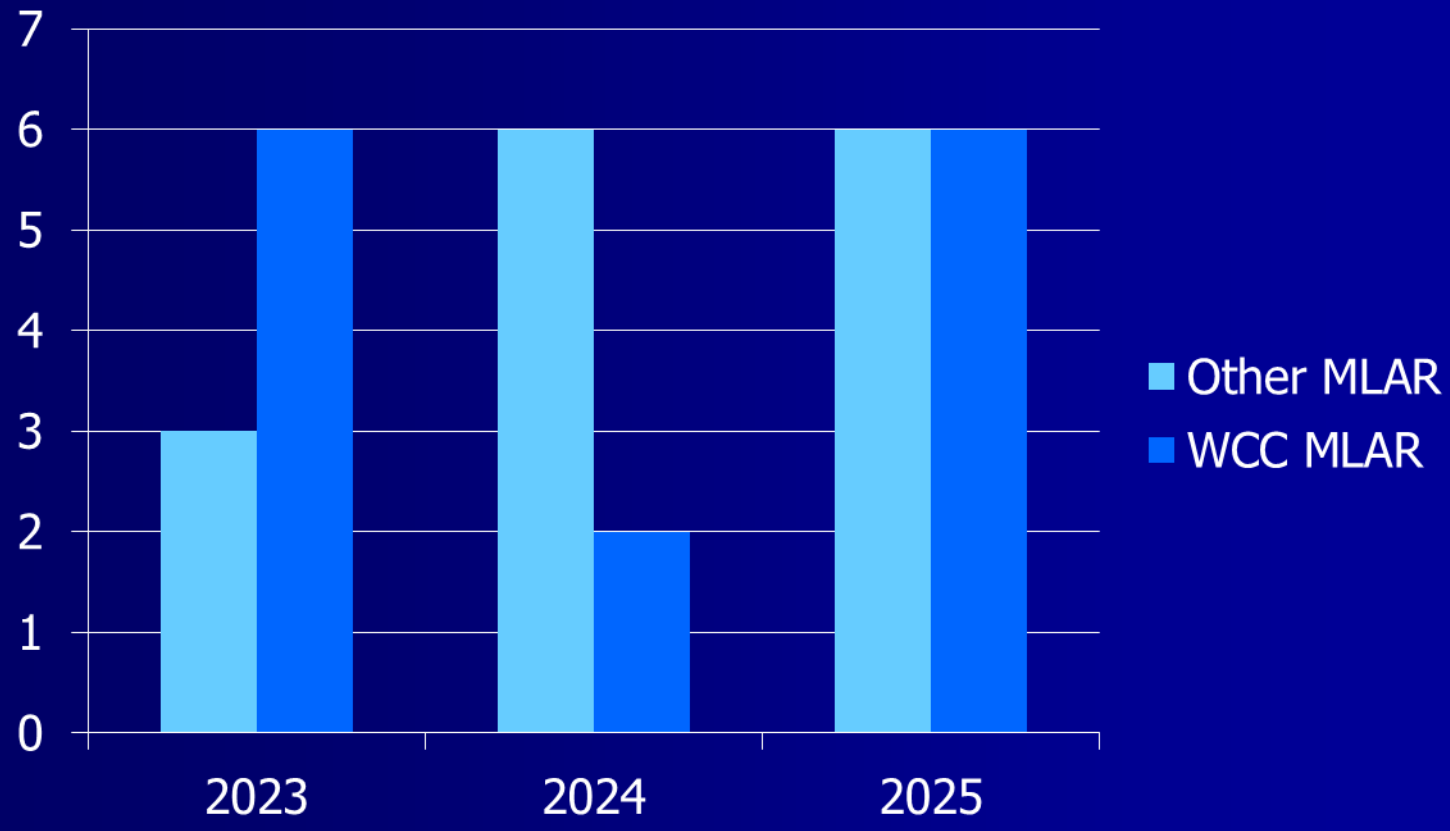
International cooperation in White-Collar Crime Cases

- **Legal basis, tools and principals of the cooperation with the non EU countries**
  - **Order of choices for collecting evidence**
    - European Convention on Mutual Assistance in Criminal Matters 1959;
    - Bilateral treaties
    - Specific conventions (incl. UN – conventions) regulating the response to certain type of crime – e.g. Cybercrime Convention, Conventions on Corruption, UNTOC, UN Convention on Corruption etc.
    - Principle of reciprocity
  - **MLA – request as a main tool. Application of the law of the requested country.**

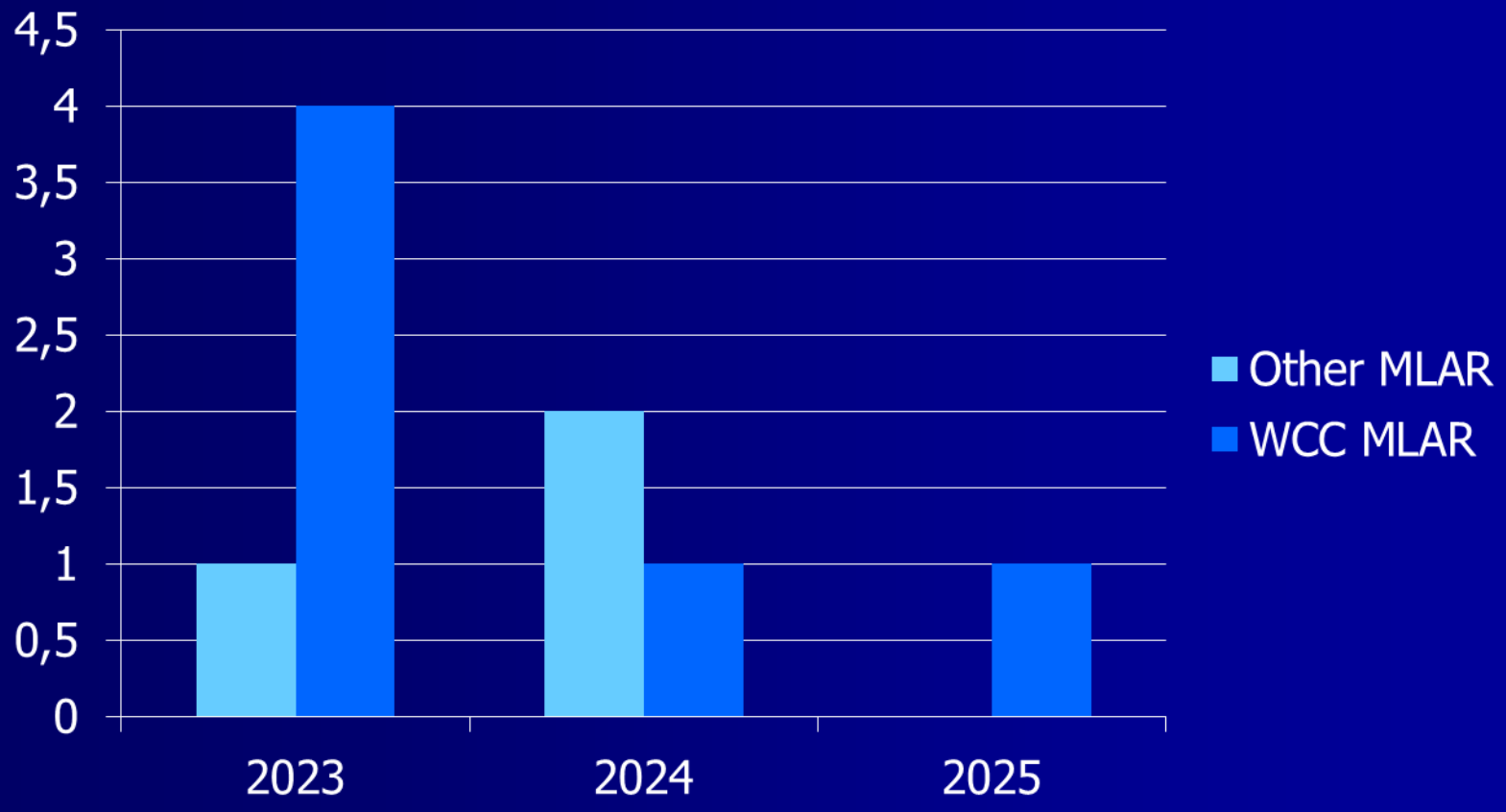
International cooperation in White-Collar Crime Cases Bulgaria - China

- **Only Bulgarian MLA – requests to China in 2023- 2025.**
- **One incoming WCC extradition case**
- **MLA–requests - based on the Bilateral Treaty from 1997 between Bulgaria and China**
  - Not applied in Hong Kong
  - MLA to Hong Kong rely on reciprocity
- **Predominantly economic crime cases** (crimes against the intellectual property, fraud, documentary fraud, computer fraud, money laundering, tax crimes)
- **Relatively high proportion of WCC – cases**

Outgoing MLA-requests to China (incl. Hog Kong)



Outgoing MLA-requests to China (only Hong Kong)



QUESTIONS ?

THANK YOU FOR THE ATTENTION !

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